IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4157 of 2005

Between:

Pemmireddy Ramakrishna Rao S/o. Seshagiri Rao
Ramachandrapuram Mandal, East Godavari District.

..... PETITIONER

AND

1 The District Collector & Executive Magistrate, East Godavari District, Kakinada.
2 The District Panchayath Officer, Kakinada, East Godavari District.
3 The Mandal Revenue Officer, Ramachandrapuram Mandal, East Godavari District.
4 The Sarpanch, Annayyapet Grama Panchayath, Ramachandrapuram Mandal, East Godavari District.
5 The Panchayath Secretary, Annayyapet Grama Panchayath, Ramachandrapuram Mandal,
East Godavari District.
6 Tatapudi Prasanna Vijay Kumar S/o. Late Mohan Rao
Annayyapet Village, Ramachandrapuram Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the respondents No.3 to 5 not taking any action on the 6th Respondent while making the illegal construction on the Panchayath land (Grama Kantam) is highly illegal, arbitrary, discriminatory and contrary law. And further direct the 1st Respondent to conduct enquiry on the illegal activity of the respondent No.6 and necessary action be taken on the 6th Respondent and the land may be handed over to the Gram Panchayath, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of the Justice.

Counsel for the Petitioner : MR. K.SATYANARAYANA MURTHY

Counsel for the Respondents : GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.4157 OF 2005

ORDER :

This writ petition is filed seeking a declaration that the alleged inaction on the part of the respondents 3 to 5 in not taking action against the 6th respondent though he has been making illegal constructions on the Panchayat land i.e, Gramakantham land as arbitrary and illegal.

The petitioner states that he made a representation dated 1-3-2005 to the District Collector, East Godavari District; the District Panchayat Officer (Grievance Cell), E.G. District; the Revenue Divisional Officer, Rajahmundry, the Mandal Revenue Officer, Ramachandrapuram and the Panchayat Secretary, Annayyapet Gram Panchayat bringing to their notice the illegal constructions being made by the sixth respondent and the said representations were received in their offices on 2-3-2005. However, they failed to respond. Hence, this writ petition.

Since the said representation made by the petitioner is pending before the Concerned Authorities, without expressing any opinion as to the correctness of the allegations made by the petitioner, I deem it appropriate to dispose of the writ petition with a direction to the respondents 3 to 5 to consider the representation

made by the petitioner dated 1-3-2005 after affording due opportunity to the sixth respondent to rebut the allegations, and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

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13th April, 2005.

Note:- Cc in 3 days.

(B/O)

gbs

To

1 The District Collector & Executive Magistrate, East Godavari District, Kakinada.
2 The District Panchayath Officer, Kakinada, East Godavari District.
3 The Mandal Revenue Officer, Ramachandrapuram Mandal, East Godavari District.
4 The Sarpanch, Annayyapet Grama Panchayath, Ramachandrapuram Mandal, East Godavari District.
5 The Panchayath Secretary, Annayyapet Grama Panchayath, Ramachandrapuram Mandal, East Godavari District.
6. Two CCs to G.P. for Panchayat Raj & Rural Development, High Court of AP Bldgs, Hyderabad (OUT).

7. Two CD copies.